

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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	:
COURTNEY LINDE et al.,	:
	:
Plaintiffs,	: <u>ORDER</u>
	:
- against -	: 04 Civ. 2799 (BMC) (VVP)
	: and related cases ¹
ARAB BANK, PLC,	:
	:
Defendant.	:
	:
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COGAN, District Judge.

Before me is the parties' [1270] joint letter regarding defendant's motion to compel additional document production. The motion is granted in part and denied in part. The parties should note that the Court's May 22, 2015 Order did not extend fact discovery in this case except to the limited extent necessary to accommodate Hague Convention process as to the 17 witnesses identified in defendant's [1264] letter dated May 18, 2015, by reference to the Court's [1235] Order dated March 9, 2015 for the issuance of Letters Rogatory, as well as Dr. Viola. The Court makes the following rulings:

1. In this joint letter, defendant seeks an order compelling production of medical releases that plaintiffs appear willing to provide within "the next day or two." Based on the parties' representations, the Court is skeptical that the medical releases sought in connection with Yehuda Eliyahu's treatment for high blood pressure will have substantial probative value. It also appears that defendant has been as responsible as plaintiffs for an undue delay in bringing this

¹ The following related cases have been consolidated with this case for the purposes of discovery and other pretrial proceedings: Philip Little, et al. v. Arab Bank, PLC, 04-CV-5449; Oran Almog, et al. v. Arab Bank, PLC, 04-CV-5564; Robert L. Coulter, Sr., et al. v. Arab Bank, PLC, 05-CV-365; Gila Afriat-Kurtzer, et al. v. Arab Bank, PLC, 05-CV-388; Michael Bennett, et al. v. Arab Bank, PLC, 05-CV-3183; Arnold Roth, et al. v. Arab Bank, PLC, 05-CV-03738; Stewart Weiss, et al. v. Arab Bank, PLC, 06-CV-1623.

issue to the Court's attention. Defendant's request is therefore denied. Nevertheless, it appears that plaintiffs have not been timely in the production of these releases. Should plaintiffs fail to provide the releases as they now promise, the Court is likely to preclude Mr. Eliyahu from relying on his blood pressure condition as a basis for damages.

2. Defendant's request for a release of Chana Freedman's university records or, in the alternative, a stipulation that her academic performance will not form an element of her damages, seems to the Court to have been a reasonable one, although overbroad. Defendant is entitled to a release of records pertaining to Ms. Freedman's enrollment at University of Bar Ilan only, and plaintiffs shall produce the same forthwith, or may stipulate as requested.

SO ORDERED.

U.S.D.J.

Dated: Brooklyn, New York
May 26, 2015